

DECLARATION OF MARIA ANASTAS

I, Maria Anastas, declare and state as follows:

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I am a Shareholder with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., counsel of record for Respondents Bio-Medical Applications of California, Inc. d/b/a Fresenius Medical Care North America and Renal Advantage Inc. d/b/a Fresenius Medical Care North America (collectively, “Respondents”) in this action. I make this declaration in support of Respondents’ *Motion to Reschedule the Hearing*. I have been involved in this case from its outset and I will appear for the Respondents at the NLRB hearing in this matter.

2. The hearing is currently set for Wednesday, November 14, 2018. However, our client witness is not available on the scheduled date because she will be out of state on a preplanned vacation to attend a family reunion that was scheduled several months ago. In addition, I have a previously scheduled arbitration hearing set for November 15, 2018, in an unrelated matter for a different client.

3. On October 11, 2018, counsel for the Respondents called the Board attorney who is representing the NLRB in this case, Ms. Michelle Scannell, to ascertain Counsel for the General Counsel’s position with regard to rescheduling the hearing date. Ms. Scannell advised that Respondents only needed to learn the Union’s position with regard to rescheduling, and that Respondents and the Union should try to find several mutually agreeable potential dates in December or January to propose, if the Union agreed to submit a joint request for postponement. Ms. Scannell further advised that in proposing new dates for the hearing, it was necessary to propose only dates that fall on a Tuesday due to the NLRB’s trial scheduling practices.

4. On October 12, 2018, counsel for the Respondents contacted Union counsel to ascertain the Union’s position with regard to rescheduling the hearing date for Tuesday, January 8 or Tuesday, January 15, 2019. On October 15, 2018, Union counsel responded, “The Union would prefer to resolve this dispute more quickly, so do not want to postpone until January.” Attached hereto as Exhibit “A” is a true and correct copy of email correspondence between

counsel for the parties dated October 15, 2018, regarding Respondents' proposed hearing dates.

5. The Union did not indicate that Respondents' proposed dates in January 2019 would not work for the Union, nor has the Union proposed any other dates that could work.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and is executed this 18th day of October, 2018, at Los Angeles, California.

/s/ Maria Anastas

Maria Anastas

35976850.1

From: Xochitl A. Lopez <XLopez@unioncounsel.net>
Sent: Monday, October 15, 2018 2:10 PM
To: Kosela, Jean C. <Jean.Kosela@ogletreedeakins.com>
Subject: RE: Fresenius NLRB hearing (31-CA-202972 and 31-CA-215325)

Jean,

The Union would prefer to resolve this dispute more quickly, so do not want to postpone until January.
Xochitl

From: Kosela, Jean C. [<mailto:jean.kosela@ogletree.com>]
Sent: Monday, October 15, 2018 11:34 AM
To: Xochitl A. Lopez
Subject: Fresenius NLRB hearing (31-CA-202972 and 31-CA-215325)

Hi, Xochitl:

I am following up with regard to our phone conversation on Friday. As we discussed, the Company will file a request for postponement of the hearing in the above-referenced case. Please let me know the Union's position with regard to our proposed new hearing dates of Tuesday, January 8 and Tuesday, January 15, 2019.

Thanks,
Jean

Jean C. Kosela | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
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EXHIBIT A